

**REMARKS**

Upon entry of the instant amendment, claims 105 and 107 will be amended, and claim 139 will be added. Claims 91-139 will be pending.

Applicants note that claim 105 has been amended to even more explicitly recite Applicants' subject matter in that the preparing a wound-healing promoting material comprises extracorporeally contacting at least one of leukocytes and platelets with a sheet-shaped porous body to trap the at least one of leukocytes and platelets on surfaces of pores of the porous body. This is in accordance with the disclosure throughout Applicants' originally filed application, with the word "extracorporeal" being explicitly included at page 21, line 7.

Reconsideration and allowance of the application are respectfully requested.

**Discussion of December 17, 2008 Telephone Interview**

Applicants express appreciation for the courtesies extended by Examiners Underdahl and Lankford, Jr. to Applicants' representative Arnold Turk during a December 17, 2008 telephone interview.

During the interview, Applicants' disclosed and claimed subject matter was discussed as well as the disclosure of Slepian. In particular, it was noted that Applicants prepare their wound-healing promoting material before healing whereas Slepian discloses applying the gel in step 7 of Fig. 1 during healing. Discussion was conducted with respect to preparing the would-healing promoting material outside the body, and the Examiners agreed that Slepian does not teach or suggest extracorporeally contacting at least one of leukocytes and platelets with a sheet-shaped porous body to trap the at least one of leukocytes and platelets on surfaces of pores of the porous body.

### **Response To Maintaining of Restriction Requirement**

The Final Office Action has maintained the restriction requirement with claims 105-120 and 137 and 138 being under prosecution, and claims 91-104 and 121-136 standing withdrawn from consideration.

In maintaining the restriction requirement, the Office Action asserts that U.S. Patent No. 5,510,102 discloses the subject matter of non-elected claim 91 apparently based upon an inherency argument including reference to two elementary references written or edited by Severian Dumitriu) Polymeric Biomaterials 2<sup>nd</sup> edition, 2002, and (Polysaccharides in Medicinal Applications, 1996). Applicants' respectfully submit that a rejection has not been made based upon U.S. Patent No. 5,510,102, and Applicants preserve their right to submit arguments for patentability of the non-elected claims, including non-elected claim 91, in the event that a rejection is, in fact, made when these claims are under prosecution.

Applicants submit that newly-added claim 139 is examinable with the elected claims, and respectfully request examination on the merits of this claim.

Applicants request rejoinder of the non-elected subject matter following allowance of the elected claims.

### **Response To Rejections Under 35 U.S.C. 102(b) and 103**

The following art based rejections are set forth in the Final Office Action:

(a) Claims 105-107, 112-115 and 120 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,843,156 to Slepian et al. (hereinafter "Slepian").

(b) Claims 105-115 and 120 are rejected under 35 U.S.C. 103(a) as being unpatentable over Slepian.

(c) Claims 105-115, 117-120, 137 and 138 are rejected under 35 U.S.C. 103(a) as being unpatentable over Slepian, and further in view of U.S. Patent No. 5,733,545 to Hood.

(d) Claims 105-120, 137 and 138 are rejected under 35 U.S.C. 103(a) as being unpatentable over Slepian and Hood, and further in view of U.S. Patent No. 6,383,220 to van Blitterswijk et al.

In response to these grounds of rejection, claim 105 has been amended to explicitly recite that the preparing is extracorporeally. As discussed during the above-noted interview with the Examiners, Slepian, or any combination of Slepian with the other documents used in the rejections, does not teach or suggest the subject matter recited in Applicants' claim 105 and/or the further combinations set forth in the dependent claims.

As discussed during the above-noted interview, Applicants prepare their wound-healing promoting material before healing whereas Slepian discloses applying the gel in step 7 of Fig. 1 during healing. As noted above, the Examiners agreed that Slepian, whether taken alone or in any combination with the prior art of record, does not teach or suggest, as recited in Applicants' independent claim 105, a method for extracorporeally preparing a wound-healing promoting material which comprises contacting at least one of leukocytes and platelets with a sheet-shaped porous body to trap the at least one of leukocytes and platelets on surfaces of pores of the porous body. Accordingly, the rejections of record should be withdrawn.

Moreover, claim 120 is directed to a wound-healing promoting material which is obtained by the method for preparing a wound-healing promoting material according to claim 105. This claim should also be allowed over Slepian and/or any combination of Slepian with the prior art of record.

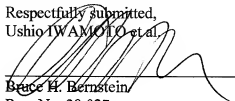
### CONCLUSION

In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw the restriction requirement and rejections of record, and allow all the pending claims.

Allowance of the application is requested, with an early mailing of the Notices of Allowance and Allowability.

If the Examiner has any questions or wishes to further discuss this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,  
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